

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

July 8, 2004

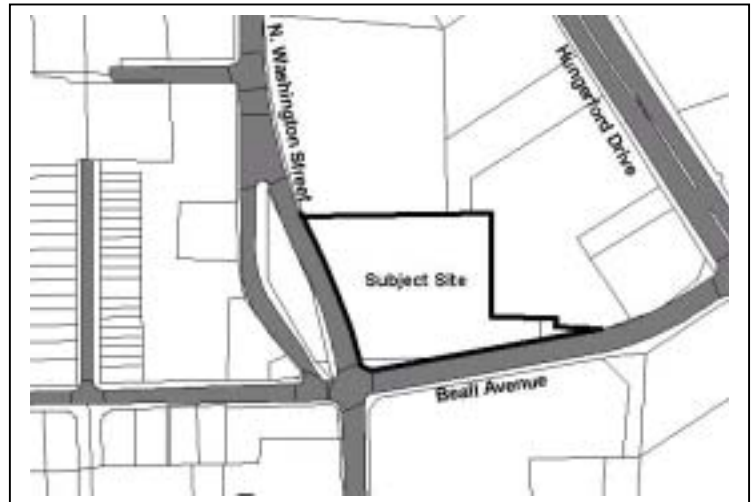
SUBJECT: Preliminary Development Plan
Application PDP2003-00006 –
255 N. Washington Street

Applicant: Rockville Town Center LLC/KSI
Development

Owner: KSI Services, Inc.

Date Filed: September 17, 2003

Location: 255 North Washington Street



REQUEST:

- The applicant has revised the initial application to request approval of a Preliminary Development Plan to redevelop the property at the northeast corner of North Washington Street and Beall Avenue, consisting of 2.34 acres, with a mixed use development to include up to 325 multi-family residential units and 6,549 square feet of commercial uses. Parking will be provided in an underground garage.

PREVIOUS RELATED ACTIONS:

A 5-story, 43,000 square foot office building with drive-in bank currently occupies the site. This was approved under Use Permit U-139-63.

The Planning Commission considered the initial application for this site at its meeting on January 14, 2004. The Commission voted to defer the application to allow the applicant time to address issues raised at the meeting.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- ⌘ Compatibility with the Town Center Master Plan recommendations
- ⌘ The relationship to other adjoining uses around the site
- ⌘ Traffic impact, access, on-site circulation and parking needs.

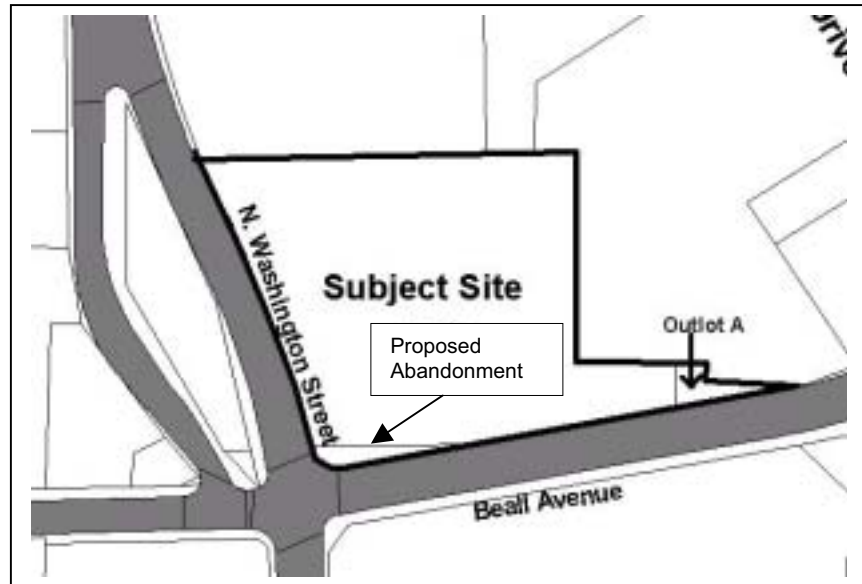
ANALYSIS

Background

The subject property is within the Rockville Town Center planning area. It is bounded by Beall Avenue on the south and North Washington Street on the west. Private property in commercial uses bounds the east and north sites of the site. The site is zoned TCM-1. Since 1963, a five-story office building, that includes a bank with a drive-thru on the first floor, has occupied the site.

Property Description

The property is irregular in shape and consists of Lot 3, City Center subdivision containing 98,122 square feet, and Outlot A, containing 2,100 square feet. The applicant also requests the City to abandon a triangular piece of property containing 735 square feet near the intersection of North Washington Street and Beall Avenue. This City right-of-way contains a water main, which is to be relocated as part of the Town Square PDP development and the right-of-way will no longer be needed by the City.

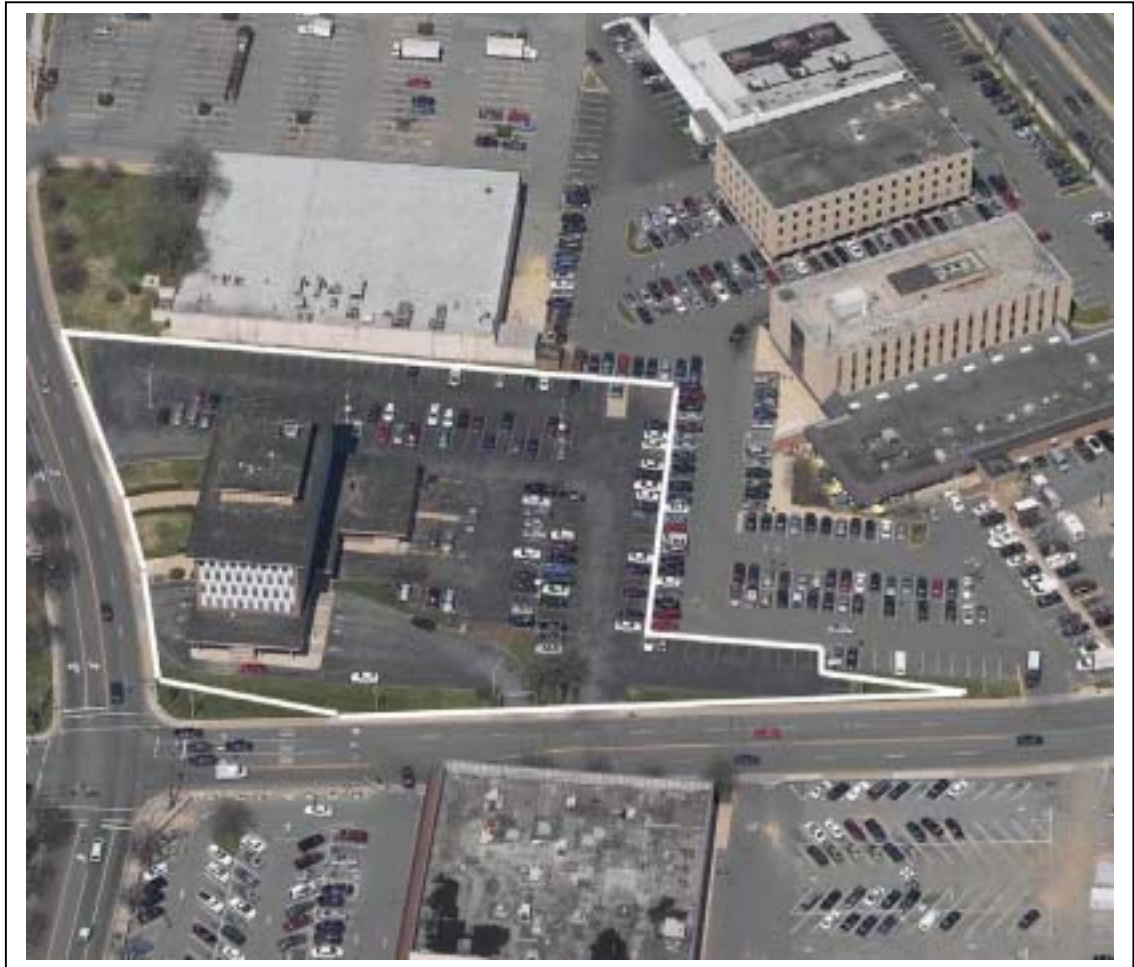


Proposal

The revised Preliminary Development Plan (PDP) has been filed under the optional method in the Town Center zones. The optional method allows for a greater range of uses, increased heights, reduced parking requirements, and more flexible development standards than are available under the standard zoning provisions. The PDP must be approved by the Planning Commission. The subsequent Use Permit must be in conformance with the provisions of the approved PDP.

The applicant has further revised the application as of July 6, 2004. The latest revision calls for 6,549 square feet of gross floor area for a bank and retail on the ground level and 325 multi-family residential units (133 condominiums and 192 rental units). The project will consist of three residential sections in a “U” shape. The sections will be connected by a second-level plaza with private gardens, a pool, health club, and other amenity space. The section fronting on North Washington Street will contain the condominium units, including two-story townhouse style units at the street level. This portion of the project will be 75 feet tall (same as the initial proposal). The middle section, which will front on Beall Avenue, will be 85 feet tall (reduced from 100 feet in the initial application), and the third section will front on the future extension of

Maryland Avenue and will be 91 feet tall (reduced from 100 feet in the initial application) and contain the rental units. An area at the ground floor level beneath the first and second sections will house retail space and a bank with related drive-thru area and parking.



Oblique View of Subject Site from South

The following chart summarizes the proposed development:

Revised Application				Initial Application 1/14/04	
Use	Description	Dwelling Units	Square Footage	D.U.	Sq. Ft.
Residential	Condominium	133		109	
	Rental Apartments	192		243	
Office	Office/Bank		5,049		5,049
Retail	Retail		1,500		7,502
Total		325	6,549	352	12,551

Interrelationship between the Preliminary Development Plan (PDP), Illustrative Plan and the Use Permits

The PDP sets the overall levels of development at a concept plan level. The PDP is implemented by a subsequent Use Permit that serves as the detailed site plan and the point at which compliance with the development standards (setbacks, height, parking requirements) and the design guidelines are evaluated. There are two separate plans associated with the PDP - a concept plan and an illustrative plan.

The concept plan or bubble diagram identifies the total amount of development (by type), building heights, and the number of parking spaces. This is the plan that will be acted on by the Planning Commission. The concept plan sets the overall development density envelope. Minor reallocations of densities may be allowed during the approval of Use Permits, so long as the overall density envelope is not exceeded.

The second plan is an illustrative plan that shows proposed details that will be fully evaluated as part of the subsequent use permits. The illustrative plan is an exhibit in the PDP approval, but the actual layouts are not approved as part of the PDP. It has been extremely helpful to have the illustrative plan to show the intent of the development, establish access points, and to provide a sense of the scale and design of the proposed buildings. As a result, staff has identified a number of detailed issues that will need to be resolved prior to the approval of use permits. These issues are listed beginning on page 12. The illustrative plan is shown on Attachment 11 for reference.

Section 25-683(a) also provides that approval of the PDP constitutes approval of a Preliminary Subdivision Plan. Attachment 9 is the proposed preliminary plan of subdivision.



View of North Washington Street façade – perspective and elevation

Development Standards – Optional Method

This project is proceeding under the optional method of development in the TCM-1 zone. Under this procedure, the Planning Commission may grant additional building height where development complies with more extensive standards of urban design review and traffic impact review and mitigation. In addition, there is more flexibility in development

process, and an allowance for reductions in the parking requirements. In this case the applicant is pursuing the optional method to utilize the additional building height and density increase afforded by this method of development.

The optional method sets forth the following set of requirements, which are accompanied by the staff's findings for each:

1. The site must be a minimum of 2 acres. The site size totals 2.34 acres.
2. The applicant must submit a traffic study in conformance with the Standard Traffic Methodology. A traffic study has been submitted and reviewed. The traffic report is covered separately in this staff report.
3. Development is subject to an urban design review process. One of the conditions of approval of the PDP is that each use permit must generally comply with the adopted Design Guidelines for the Town Center.
4. A shadow study must be performed, such that no building can cast a shadow on an existing or approved residential structure between 10:00 a.m. and 2:00 p.m. on December 21. There are no existing or approved residential structures that would be affected by this proposed development. All of the developments to the east, north and west are nonresidential.
5. There must be a mix of uses, including residential, office, and commercial. The Planning Commission may authorize modifications to this use requirement where the strict application would result in practical difficulty or unnecessary hardship upon the owners. The proposed development includes a bank and multi-family residential. The multi-family development includes both rental and ownership units. Staff concludes that the requirement for a mix of uses is met under this proposal.
6. Pedestrian ways must link the site with adjoining properties and the Metro station. The existing sidewalks, along with the pedestrian circulation that will be provided by the extension of Maryland Avenue and the new street (Commerce Street) between Maryland Avenue and North Washington Street, will provide links both to the other commercial areas as well as to the Metro station. The eventual extension of Maryland Avenue north of Beall Avenue will also provide additional circulation opportunities.
7. Standard method building heights in the TCM-1 Zone are allowed up to a maximum of 75 feet and a non-residential FAR up to 3. Under the optional method, building heights of up to 100 feet may be allowed, with a non-residential FAR of up to 3. The current application proposes building heights of up to 100 feet, with the commercial space proposed at 6,549 square feet, for an FAR of 0.06. The proposed project is within the optional method Code requirements.
8. Where the development includes the provision of public streets or easement for public ways, the area of the rights-of-way or easement may be used to calculate the FAR. These areas are included in the calculations.

Required Findings

Optional method approval requires the same findings as a preliminary plan of subdivision. The required findings are listed below with a brief statement regarding the

finding. Detail information supporting the findings is contained in the relevant sections of the staff report.

In reviewing Preliminary Development Plans, the Planning Commission must find that the application will not:

1. *Constitute a violation of any provision of this chapter or other applicable law:* The proposal complies with the relevant provisions of the Zoning Ordinance as described in the Analysis section.

2. *Violate or adversely affect the Plan:* The proposal generally implements many of the recommendations of the Town Center Master Plan, including a stated preference for residential above retail on this site. It provides for a maximum 75 feet of building height along North Washington Street, street-level commercial use, and pedestrian connections.

3. *Overburden existing public services, including but not limited to water, sanitary sewer, public roads, storm drainage and other public improvements:* The proposal is served by adequate water and sewer service (see Attachment 2) and provides improvements to transportation and stormwater management systems.

4. *Affect adversely the health or safety of persons residing or working in the subdivision or neighborhood:* There is no evidence that health or safety will be adversely affected. The proposal provides for improved sidewalks consistent with the Town Center guidelines, private amenities for the residents of the project, and future pedestrian connections to areas north of the site.

5. *Be detrimental to the public welfare or injurious to property or improvements in the neighborhood:* The proposal adds a significant residential component to the Town Center area, which will advance the concept of a "24-hour Town Center". In addition, more than a third of the proposed dwellings will be condominiums, which advances the City's goal of having significant home ownership in the Town Center.

6. *Be unsuitable for the type of development, the use contemplated and available public utilities and services:* The proposed development is consistent with the recommendations of the Town Center Master Plan. Utilities and services are planned to accommodate the development proposed in the master plan.

7. *Unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil:* Virtually the entire site is currently covered by buildings or other impervious surfaces. There will be no significant change to the topography of the site resulting from the proposed development. The applicant will address mitigation measures for any sub-surface soil contamination.

Parking

The Code recognizes that mixed-use areas such as the Town Center are different from stand-alone uses and allows for parking reductions and an optional method of calculating parking. Under the standard method of calculating parking, the project would require 460 parking spaces.

The staff has prepared the following parking calculation table, based on the provisions of Sec. 25-683(a)(2) which provides the alternate parking calculation for mixed uses under the optional method based on non-overlapping peak uses. The largest of the five results becomes the minimum parking requirement by the Code:

Town Center Parking Calculation					
	Weekday		Weekend		Night
	Day	Evening	Day	Evening	
Office/Bank	17	2	2	1	1
Retail	4	7	8	6	1
Residential ²	261	391	347	391	434*
Totals	282	400	357	398	436

*Residential: 1 Studio = 1 space; 212 1 BR = 265 spaces;
112 2 BR = 168 spaces.

Total parking required under the mixed use rates = 436 spaces (Night)
Total parking proposed by applicant = 512

Based on the calculations above, the application complies with the parking requirements under either the normal or optional method parking standards. The applicant is actually proposing to provide 512 spaces, which exceeds even the standard requirements.

Moderately Priced Dwelling Units

The Code requires that 15 percent of the total residential units be provided as moderate priced units (MPDU's). The provision of residential 325 units will require 49 MPDU's. The applicant states that they will comply with the MPDU requirements.

Schools

Using the current student generation rates for high-density multi-family development provided by Montgomery County Public Schools, the project would generate the following (@325 units):

Elementary School:	16 students
Middle School:	7 students
High School:	5 students

The adopted FY 2005 Annual Growth Policy Schools test measures enrollment capacity by high school cluster for the 2009 school year. The AGP findings are as follows:

	Projected Enrollment	Projected Capacity
Elementary Schools:	2,310	2,330
Middle Schools:	980	1,044
High School:	1,849	1,980

*Richard Montgomery is being reconstructed. The new facility will be ready for 2008-2009, at which time capacity will be increased to 1,980, with a projected enrollment of 1,910.

Staff concludes that the proposed project will not have an adverse impact on school capacity.

Design Guidelines

The Mayor and Council adopted the Town Center Design Guidelines on August 4, 2003. The guidelines are a refinement of the recommendations for the design of the Town Center contained in the Rockville Town Center Master Plan, adopted in October 2002. The guidelines are not intended to be requirements, but principles that should guide the development in the Town Center. The guidelines are intended to apply to both public and private developments. The design guidelines are intended to enhance the fabric of the Town Center by bringing the buildings up to the sidewalk, providing street-level retail to activate the street, provide enhancements such as trees, benches, zones for sidewalk cafes, and a design palate of architecture and materials that reflect or build upon the ambience of old downtown Rockville. As such, as a condition of approval of the PDP, all use permits must address how the projects will comply with the design guidelines, or how and why such compliance cannot be achieved.

The Town Center Master Plan also provides design guidelines. Under the subsection titled "Building Scale & Massing", the plan provides the following:

"BSM-3: An upper floor building setback shall be encouraged on Maryland Avenue and North Washington Street. Upper floors 45 feet above the street level of buildings that exceed 60 feet in height must be set back 15 feet from the lower façade on both streets. Building heights above the required setback are determined by zoning classifications. The goal of this guideline is to allow more sunlight to reach the street and, more importantly, to maintain a low- to medium-rise streetscape character that will be more comfortable to pedestrians. Building setbacks that result in the mass of total buildings being recessed so that they appear to be out of view from pedestrians at street level can help to maintain an appropriate, pedestrian-friendly scale to both Maryland Avenue and North Washington Street. Building setbacks become more critical the taller the building

is. An appropriately designed 60 foot tall building may still feel comfortable to pedestrians, so some flexibility in regard to the guideline should be utilized.”

The applicant is proposing to set the building back 10 feet above the second story (about 25 feet) for the façade along North Washington Street. Maximum height along North Washington Street is 75 feet as recommended in the master plan. While the proposed upper story setback is less than recommended in the guidelines, it does provide articulation to the façade. In addition, having seven of the residential units front directly on the street provides a different and perhaps more comfortable ambiance than commercial storefronts would. Given the flexibility recommended in the guidelines, the staff can accept the setbacks proposed, though they may be subject to some further refinement at the time of Use Permit review.

The revised application maintains a minimum 10 foot setback from the property lines along the east side, as required by the Code.

Staff notes that the proposed extension of Maryland Avenue will sever the triangular parcel of property between the subject site and the road. This area currently provides required parking for the commercial development at 414 Hungerford Drive. The applicants have suggested that, once severed, this residual piece become a small park and/or arts space. This would be connected to Beall Avenue with the plaza area above the parking garage as shown on the concept plan. Also, the plan calls for an additional driveway connection to Maryland Avenue once the road is extended.

Environmental Review

The Public Works Department has prepared a memo detailing the water and sewer capacity status for developments in the Town Center area, including the new Town Square development. This memo is shown at Attachment 2. A summary is provided below.

Public Sewer

Sewer service is already provided at the site to serve the existing development. There will be a net increase in sewer usage with the change to a predominantly residential development. This development is located within the Cabin John sewershed. The sewer lines servicing the site connect to the existing Cabin John Outfall Sewer. Wastewater treatment will be provided at the Blue Plains Wastewater Treatment Plant in the District of Columbia, of which Rockville has purchased sufficient treatment capacity to accommodate the Town Center developments.

Public Water

Rockville currently provides water service to the site to serve the existing development. Rockville’s existing water treatment plant, located on Sandy Landing Road in Potomac, is under renovation. The renovation and upgrade program, which will be completed in 2005, will allow the plant to meet the water demand created by the Town Center Master Plan level of projected development. Additionally, a Water Pumping Station on Glen

Mill Road is planned to augment the City's water distribution system to meet the water demand created by the Town Center Master Plan level of projected development. The pump station will be operational in 2005.

The existing 16-inch steel water main in Beall Avenue between the North Washington Street and Maryland State Route 355 (approximately 900-linear feet of water main) must be replaced. The developer of the Town Square PDP will be responsible for the relocation and construction of the new main. However, the applicant for this PDP will be required to contribute to the construction cost.

Rockville has adequate facilities to provide service demand volume and street level water pressure as recommended by the American Water Works Association (AWWA). High-rise buildings may require secondary water supply for fire protection of the upper floors. This will be determined as part of the building permit review process.

Stormwater Management (SWM)

The Department of Public Works (DPW) has reviewed the proposed stormwater management concept. The stormwater management concept was conditionally approved in a letter dated June 24, 2003. The applicant shall utilize the most recent design and sizing recommendations from the Maryland Department of the Environment (MDE) as contained in the latest version of the Maryland Stormwater Design Manual. Stormwater management for quality control will be provided by on-site structural sand filters. Water quantity control will be provided by monetary contribution.

Erosion and Sediment Control

The applicant plans to demolish and grade the entire site, which translates into 2.34 acres of the site to be disturbed at one time. A concept including more detailed sediment control (SC) engineering plans must be submitted during the initial Use Permit stage. At a minimum, the concept should include a location plan for the sediment basin and/or traps to serve during rough grading and a phased grading/construction plan that reflects the development's sequence of construction.

Flood Plain

No flood plains exist within the limits of the proposed development.

Transportation

The Transportation Division has undertaken a comprehensive review of the traffic impacts of the entire town center redevelopment program. Their memo is provided as Attachment 1. The specific conditions recommended for the PDP application are as follows:

Recommendations

Based on our review, which took into account the needs of motorists, bicyclists, pedestrians and transit users, and in order to mitigate the potential transportation impacts, City Staff recommends the following conditions of approval for the subject development application, PDP2003-00006:

1. Prior to the issuance of a building permit, the Applicant shall contribute \$73,000 to the City's Transportation Improvement CIP fund to mitigate traffic impact generated by the project on the adjacent roadway network. This contribution shall be in the form of cash or the value of physical improvements/public services proposed by the applicant and approved at the sole discretion of the Director of Public Works. These funds will be directed toward pedestrian or roadway improvements in the Town Center Planning Area.
2. Prior to the issuance of a building permit, the Applicant shall construct the following traffic calming devices as approved by DPW to mitigate the impact of the project on the Beall Avenue corridor:
 - a. Construct a landscaped median entry feature and raised crosswalk on Beall Avenue near Adams Street.
 - b. Construct a mini-circle and associated roadway improvements at the intersection of Beall Avenue and Forest Street.
 - c. Construct a 4' minimum sidewalk and buffer connecting the sidewalk on the south side of Beall Avenue between the existing sidewalk on Van Buren and North Adams.
 - d. Construct pedestrian refuges at all four legs of the Mannakee Circle at Beall Avenue.
 - e. Furnish the City with a portable speed indicator sign for use within the West End neighborhood.
3. The Applicant shall design and implement a safe sidewalk connection/pedestrian improvement along the western section of North Washington Street in order to provide a missing sidewalk link. Design of the improvement will be in coordination with the Department of Public Works.
4. Right turns only will be permitted out of bank onto North Washington Street.
5. The Applicant shall pay a pro-rata share prior to the issuance of building permits for the design and construction of Beall Avenue (modified lane configuration, mill and overlay, 2 medians, bike lanes, curb and gutter etc. per approved DPW plan) along the frontage of their site (half of the entire width), not to exceed \$250,000. KSI must dedicate the necessary ROW and sidewalk easements to implement the Beall Avenue reconstruction and improvements.

Medians will be constructed by the City or its agent, on Beall Avenue, allowing full movement in and out of the site. The applicant may be required to add or reconfigure

medians, at the discretion of the Director of Public Works, so as to prohibit left turns in and out of the site, with appropriate signage. Such modification to the medians may be required at the sole expense of the applicant, at any time during construction of the KSI project and up to six (6) months after full occupancy of the site. The applicant shall post a separate bond for the projected cost of any subsequent modifications to one or more of the medians prior to the issuance of DPW permits. The bond will not be released until median modifications are made (if required), or six (6) months after full occupancy of the site.

While the applicant will be released of their financial obligation six (6) months after the full occupancy of the site, there is no guarantee of continued full access to the site from Beall Avenue. The City will retain its right to restrict left turn movements into and out of the site in the future, without any compensation to the applicant.

Future Conditions

The following conditions are not to be required at the time of PDP approval. However these, and other conditions, may be required at the time of use permit approval, and are provided here for the information of the Planning Commission:

1. The Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the Applicant to make an annual contribution of ten (10) cents a square foot of gross floor area of the retail and office components for a period of ten years ($6923 \text{ s.f.} \times \$0.10 = \$655/\text{year}$), and \$60 per unit for a period of ten years ($359 \text{ d.u.} \times \$60 = \$19,500/\text{year}$). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the planning area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM program funds of the City.
2. The Applicant shall provide bicycle lockers for the residential and office components of the project and bike racks for the retail component of the project at a safe and convenient location to serve the site as approved by the Department of Public Works. The minimum number of lockers to be provided is one locker for each 50 parking spaces associated with the project ($512/50=10$ bike lockers and 1 bike rack).
3. The Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located adjacent to the subject site. This contribution will be incorporated into the Bus Stop Beautification CIP.
4. Contribute \$67,000 towards the construction of the 16-inch water main relocation in Beall Avenue, if the water main is constructed through the Town Square development. Applicant shall be responsible for design and construction of water main relocation across their lot frontage and across the North Washington St/Beall Avenue intersection if this development precedes the Town Square development.

5. The streetscape along North Washington Street and Beall Avenue must incorporate at a minimum; a 7-foot tree lawn and 8-foot sidewalk.
6. Below grade excavation shall be dewatered per DPW sediment control requirements to an acceptable outfall. A general permit (Notice-of-Intent) for construction activity will be required from Maryland Department of the Environment for the discharge of storm water prior to DPW's issuance of grading permits.
7. A mill and overlay will be required along North Washington Street and Beall Avenue for utility (water, sewer, storm drain, etc.) and roadway (pavement markings, curb and gutter, bike lanes, medians, etc.) construction.
8. Obtain all necessary approval and/or permits from the State for ground water and/or soil contamination mitigation. DPW shall not issue grading permit until State approval and/or permits have been obtained.
9. Post bonds and obtain permits from the Department of Public Works (DPW).
10. Abandon the right-of-way for the 16-inch water main and 2-inch gas line easement.
11. Obtain approval from PEPCO to work within the PEPCO easement and/or to abandon the PEPCO easement
12. Show the 100-year flowpath associated with the 66-inch RCP storm drain.
13. Provide details on how the SWM facility will be coordinated with the garage structure. Maintenance access must be provided to the facility.
14. Water meter shall be located outside of traffic areas, adjacent to the public right-of-way.
15. Provide bike racks for retail use and bike lockers for residential use.

Public Notice

Post card notice of the proposed PDP application and Planning Commission meeting date were sent to all adjoining and confronting property owners surrounding the project. In addition, post cards were sent to all civic associations in the neighborhoods surrounding the project.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. The Use Permit submitted for the PDP must be consistent with the approved PDP plan dated July 6, 2004. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.

2. Dedicate right-of-way on Beall Avenue to include the he proposed Maryland Avenue extension. The existing water line easement at the corner of Beall Avenue and North Washington Street may be included in the proposed development if abandonment is approved by the Mayor and Council.
3. Prior to the issuance of a building permit, the Applicant shall contribute \$73,000 to the City's Transportation Improvement CIP fund to mitigate traffic impact generated by the project on the adjacent roadway network. This contribution shall be in the form of cash or the value of physical improvements/public services proposed by the applicant and approved at the sole discretion of the Director of Public Works. These funds will be directed toward pedestrian or roadway improvements in the Town Center Planning Area.
4. Prior to the issuance of a building permit, the Applicant shall contribute \$75,000 to the City's Neighborhood Traffic Calming CIP fund to fund traffic calming in the adjacent residential neighborhoods.
5. The Applicant shall design and implement a sidewalk connection/pedestrian improvement across North Washington Street in order to provide a missing sidewalk link. Design of the improvement will be in coordination with the Department of Public Works.
6. The vehicular exit from the bank drive-thru must be right turn only.
7. A 10-foot PUE is required along North Washington Street and Beall Avenue. A PUE less than 10-feet may be allowed if approved by the Director of Public Works.
8. The parking garage structure shall not encroach into the public right-of-way and shall not impact the PUE.
9. The public right-of-way along North Washington Street and Beall Avenue must be at least 7 feet behind proposed face of curb. The proposed curb alignment along Beall Avenue must accommodate a 5-foot bike lane.
10. Sidewalks constructed outside the public right-of-way must be within easements to allow public use and access.
11. The Applicant shall pay a pro-rata share prior to the issuance of building permits for the design and construction of Beall Avenue (modified lane configuration, mill and overlay, 2 medians, bike lanes, curb and gutter etc. per approved DPW plan) along the frontage of their site (half of the entire width), not to exceed \$250,000. KSI must dedicate the necessary ROW and sidewalk easements to implement the Beall Avenue reconstruction and improvements.

Medians will be constructed by the City or its agent, on Beall Avenue, allowing full movement in and out of the site. The applicant may be required to add or reconfigure medians, at the discretion of the Director of Public Works, so as to prohibit left turns in and out of the site, with appropriate signage. Such modification to the medians may be

required at the sole expense of the applicant, at any time during construction of the KSI project and up to six (6) months after full occupancy of the site. The applicant shall post a separate bond for the projected cost of any subsequent modifications to one or more of the medians prior to the issuance of DPW permits. The bond will not be released until median modifications are made (if required), or six (6) months after full occupancy of the site.

While the applicant will be released of their financial obligation six (6) months after the full occupancy of the site, there is no guarantee of continued full access to the site from Beall Avenue. The City will retain its right to restrict left turn movements into and out of the site in the future, without any compensation to the applicant.

12. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.
13. Comply with all conditions detailed in the SWM concept approval letter dated June 24, 2003.
14. Building designs should incorporate green building and LEED energy efficiency standards.
15. Prior to the approval of the Use Permit, a final Forest Conservation Plan must be submitted that addresses afforestation requirements.
16. The Use Permit must address compliance with the adopted Town Center Guidelines.
17. Comply with the provisions of Chapter 4 of the Code with regard to the provision of public art. The art fee is calculated at \$97,765.00. For the residential portion, the fee is calculated after subtracting the required MPDU's, which is 276 units ($\$450/\text{d.u.} \times 100 + \$337 \times 100 + \$225 \times 76 = \$95,800.00$ residential units + $6,549 \times \$0.30 = \$1,965.00$ for commercial). Compliance may include provision of public art on-site, contribution to the City art fund, or other provisions contained in Chapter 4.

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Attachments:

1. Traffic and Transportation Impact Review Memo
2. Water and Sewer Capacity Memo
3. Stormwater Management Concept Approval Letter
4. Shadow study
5. Application to Abandon and Close Public Way – for Water Main Easement
6. Applicant's letter of July 1, 2004 with proposed project revisions.
7. Applicant's traffic report of April 20, 2004
8. PDP Generalized Land Use Concept Plan
9. Proposed Preliminary Plan of Subdivision
10. Illustrative elevation on Beall Avenue

11. Illustrative drawings of proposed project, revised July, 2004